

REMARKS

The Office Action dated May 22, 2003 has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. By this Amendment, claims 1 and 10 have been cancelled and the subject matter of claim 1 has been incorporated into claim 2. Claim 2 is now in independent form. Claims 4 and 7-9 have been amended to depend from claim 2 and claim 11 has been newly added. No new matter has been added or amendments made that narrow the scope of any elements of any claims. Accordingly, claims 2-9 and 11 are pending in this application and are submitted for consideration.

Applicants acknowledge and thank the Examiner for indicating that claims 2, 3, 5 and 6 would be allowable over the prior art if amended to be in independent form. By this Amendment, claim 2 has been rewritten to be in independent form and is now in condition for allowance. Claims 3, 5 and 6 also depend from claim 2 and recite allowable subject matter.

Claims 1, 9 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ozawa et al. (U.S. Patent No. 6,522,315, "Ozawa"). Claims 1 and 10 have been cancelled, thereby rendering the rejection with respect to these claims moot. Claim 9 has been amended to depend from claim 2. Therefore claim 9 is also in condition for allowance.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ozawa in view of Taguchi et al. (Publication No. U.S 2002/0153881, "Taguchi"). In making this rejection, the Office Action took the position that Ozawa discloses all the elements of the claimed invention, except for disclosing that the nonvolatile data holding

section is constituted by an element utilizing a magnetoresistance effect. Taguchi is cited for curing the deficiencies of Ozawa.

By this Amendment, claim 7 has been amended to depend from allowed claim 2. Therefore, the rejection is moot.

Claims 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ozawa in view of Yamazaki et al. (U.S. Patent No. 5,349,366, "Yamazaki").

Regarding claim 4, the Office Action took the position that Ozawa discloses all the elements of the claimed invention, except for disclosing that the nonvolatile data holding section is formed of a ferroelectric capacitor. Yamazaki is cited for teaching this limitation.

Regarding claim 8, the Office Action took the position that Ozawa discloses all the elements of the claimed invention, except for disclosing that the nonvolatile data holding section is constituted by a single electron memory. Yamazaki is also cited for teaching this limitation.

By this Amendment, claims 4 and 8 have been amended to depend from allowed claim 2. Therefore, the rejection is moot.

Newly added claim 11 depends on allowed claim 2 and further recites that the nonvolatile data ferroelectric capacitor connected to a gate of the MOS transistor, and a capacitor is connected between a connecting portion of the gate with the ferroelectric capacitor and a ground or write line. The control data is written to the nonvolatile data holding section by using the control line and the ground or write line.

Therefore, claim 11 also recites allowable subject matter and is patentable over the cited references.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 2-9 and 11 (claims 2, 3, 5 and 6 already being indicated as reciting allowable subject matter, and the prompt issuance of a Notice of Allowability are respectfully solicited.

If this application is not in condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107400-00021.**

Respectfully submitted,



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